

1 TOURISM, ARTS AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 4:090. Taxidermy, cervid meat processors, and the buying and selling of  
5 inedible wildlife parts.

6 RELATES TO: KRS 150.010, 150.175, 150.180, 150.183, 150.305, 150.330, 150.370,  
7 150.411, 150.722, 150.990

8 STATUTORY AUTHORITY: KRS 150.025(1), 150.4111

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the  
10 department to promulgate administrative regulations regarding the buying, selling, or  
11 transporting of wildlife. KRS 150.4111 authorizes a person to sell the inedible parts of  
12 any legally taken wildlife to a licensed taxidermist for the purpose of mounting,  
13 authorizes a licensed taxidermist to buy or sell the inedible parts of any legally taken  
14 wildlife for the purpose of mounting, and authorizes any person to purchase from or sell  
15 to a licensed taxidermist any legally mounted specimen. This administrative regulation  
16 establishes the requirements for the buying and selling of inedible wildlife parts, ~~and~~  
17 the proper disposal of cervid carcasses and parts, and the registration of cervid meat  
18 processors.

1 Section 1. Definitions. (1) "Cervid" means a member of the family Cervidae.

2 (2) "Federally protected wildlife" means any federally threatened or endangered  
3 species or any native migratory bird.

4 (3) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox,  
5 least weasel, long-tailed weasel, river otter, bobcat, coyote, or striped skunk.

6 (4) "Licensed taxidermist" means any person, partnership, firm, or corporation  
7 ~~who[that accepts remuneration for the mounting of skins or other inedible wildlife parts~~  
8 ~~and who]~~ holds a valid Kentucky taxidermist license, as established in KRS 150.175.

9 (5) "Mounting" means to arrange processed wildlife for the purpose of display.

10 (6) "Permanently preserved pelt" means any processed furbearer pelt, but does not  
11 include raw fur or pelts treated with salt, borax, or sunlight.

12 Section 2. Licenses Required. (1) Any person, partnership, firm, or corporation  
13 engaged in the business and accepting remuneration for stuffing or mounting skins or  
14 other inedible parts of wildlife shall possess a valid Kentucky taxidermist license.

15 (2) A licensed taxidermist shall:

16 (a) Openly display a valid taxidermist license at the place of business; and

17 (b) Have all records pertaining to the business and all wildlife specimens or wildlife  
18 parts available for inspection during normal business hours by a department  
19 conservation officer.

20 (3) A person or business who transforms a legally acquired~~[,processed,]~~ inedible

1 wildlife part into a hand-crafted or manufactured finished product shall not be required  
2 to possess a license from the department, except as established in Section 2(1) of this  
3 administrative regulation.

4 (4) A person or business is not required to possess a license to buy or sell legally  
5 acquired furbearer inedible parts, secretions, or permanently preserved pelts, excluding  
6 raw fur.

7 (5) In addition to the appropriate state license, all licensed taxidermists who mount  
8 federally protected species shall possess a valid federal taxidermist license issued by the  
9 U.S. Fish and Wildlife Service.

10 Section 3. Labeling Requirements. (1) Any individual who engages in taxidermy[Each  
11 ~~licensed taxidermist~~] shall keep records of the name, address, and phone number of the  
12 owner and the date killed of all wildlife or wildlife parts in their possession and shall tag  
13 each specimen or part to identify its owner.

14 (2) Wildlife heads harvested in Kentucky or other parts separated from the carcass for  
15 mounting by any individual who engages in taxidermy[~~a licensed taxidermist~~] shall have  
16 the hunter's confirmation number, if applicable, attached to the separated part.

17 Section 4. Cervid carcass disposal. (1) A licensed taxidermist shall dispose of any  
18 unused cervid carcass material by:

19 (a) Burying the carcass or parts in an opening in the earth at least four (4) feet deep  
20 with the carcass or parts covered with two (2) inches of quicklime and at least three (3)

1 feet of earth;

2 1. With the cervid abdominal cavity, if applicable, opened wide the entire length;

3 2. At a point which is never covered with the overflow of ponds or streams; and

4 3. Not less than 100 feet from any watercourse, sinkhole, well, spring, public highway,  
5 residence, or stable; or

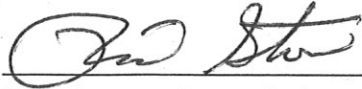
6 (b) Depositing the carcass or parts in a contained landfill, as established in KRS  
7 Chapter 224.

8 Section 5. Cervid Meat Processor Registration. (1) A cervid meat processor, as defined  
9 in KRS 150.722, shall register with the department each calendar year prior to  
10 butchering or making meat products for human consumption, by completing the online  
11 registration process at fw.ky.gov.

12 Section 6. Incorporation by Reference. (1) "Cervid Meat Processor Registration", 2019  
13 edition, is incorporated by reference.

14 (2) This material may be inspected, copied, or obtained, subject to applicable  
15 copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane,  
16 Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Eastern Time.

Approved by the Fish and Wildlife Commission



Rich Storm, Commissioner  
Department of Fish and Wildlife Resources



Don Parkinson, Secretary  
Tourism, Arts and Heritage Cabinet

Date: 12/6/19

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on February 26, 2019 at 10:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through February 29, 2019.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Jessica Tyler, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone: (502) 564-3400, fax: (502) 564-0506, email: [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 4:090. Taxidermy and the buying and selling of inedible wildlife parts.

Contact Person: Jessica Tyler

Email: Jessica.tyler@ky.gov

Phone: 502-564-3400

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the buying and selling of inedible wildlife parts, the proper disposal of cervid carcass waste for taxidermists, and the registration process for cervid meat processors.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the registration requirements for cervid meat processors, the requirements for disposal of cervid carcass waste, and the buying and selling of inedible wildlife parts to sustain and protect the wildlife resources of the state, while providing a legal and reasonable market.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations regarding the buying, selling, or transporting of wildlife. KRS 150.4111 authorizes a person to sell the inedible parts of any legally taken wildlife to a licensed taxidermist for the purpose of mounting, authorizes a licensed taxidermist to buy or sell the inedible parts of any legally taken wildlife for the purpose of mounting, and authorizes any person to purchase from or sell to a licensed taxidermist any legally mounted specimen.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by establishing the requirements for the buying and selling of inedible wildlife parts, the proper disposal of cervid carcasses and parts, and the registration requirements for cervid meat processors.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment establishes the registration requirements for cervid meat processors.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide the department with accurate contact and location information of cervid meat processors and will allow the department to both effectively communicate CWD response measures with processors, as well as better enforce current laws



associated with these establishments.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above. See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above. See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: During the 2018-2019 license year, 330 taxidermy licenses were sold.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Each cervid meat processor must register with the department each calendar year, prior to butchering or making meat for human consumption from ten or more cervids, by completing an online registration form.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to individuals to register online. The registration is free.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): In the event of a disease outbreak in Kentucky, the department will be able to effectively communicate with deer processors to implement a response plan to help manage and contain the disease.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will not be a cost to the department to implement this regulation initially.

(b) On a continuing basis: There will not be a cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase a fee or funding to implement this administrative regulation.



(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? No. Tiering is not applied, as the same requirements apply to all cervid meat processors.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

301 KAR 4:090. Taxidermy and the buying and selling of inedible wildlife parts.

Contact Person: Jessica Tyler

Email: Jessica.tyler@ky.gov

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The department's Law Enforcement and Wildlife Divisions will be impacted.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS150.025(1) and 150.4111.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Revenue will not be generated in subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explain

## Summary of Material Incorporated by Reference

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(1) The "Cervid Meat Processor Registration" form, 2019 edition, is a one-page, single-sided form that cervid meat processor's must complete each calendar year to register with the department.